



IPW  
Atty. Dkt. No. 040405-0364

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Norihito FUJITA, et al.

Title: PACKET TRANSFER EQUIPMENT, PACKET TRANSFER METHOD  
RESOLUTION SERVER, DNS SERVER, NETWORK SYSTEM AND  
PROGRAM

Appl. No.: 10/642,750

Filing Date: 08/19/2003

Examiner: To Be Assigned

Art Unit: 2661

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in  
order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to  
comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an  
admission that such document constitutes prior art against the claims of the present application or that  
such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do  
not waive any rights to take any action which would be appropriate to antedate or otherwise remove as  
a competent reference any document which is determined to be a *prima facie* art reference against the  
claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

Documents A2-A3 on the attached PTO/SB/08 were cited as being relevant during the prosecution of a counterpart Japanese patent application. Document A1 is the U.S. counterpart of Document A3. An English translation of the foreign-language documents is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts of the foreign language documents are provided for the Examiner's convenience.

A translation of a portion of a Japanese Office Action that issued May 24, 2005, with respect to a counterpart Japanese patent application, is provided below:

- Claims 1, 5, 6, 10, 18, and 40
- Cited Literature 1 and 2
- Remarks
- Claims 1, 5, 6, 10, and 40

In Cited Literature 1 is described the invention of a packet transfer device that determines priority data (equivalent to "data relating to a resource control method in the path in which the received packet is transferred" in the present application) from data in the header of the received packet such as the IP address of the sender/receiver, the port number of the sender/receiver, or the protocol (equivalent to "multiple types of data contained in the received packet" in the present application) when transferring the packet in question, and performs the transfer of the packet (refer to (0014) etc. in Cited Literature 1).

The invention described in Cited Literature 1 differs from the inventions according to Claims 1, 5, 6, 10, and 40 of the present application in that it has a location internal to the packet transfer device that determines priority according to data in the received packet when transferring the received packet in question, but there would be no particular difficulty in establishing a location external to the invention described in Cited Literature 1 to determine priority according to data in the received packet when transferring the received packet in question in order to achieve the same structure as the inventions according to Claims 1, 5, 6, 10, and 40 of the present application.

- Claim 18

In Cited Literature 2 is described the invention of a resource management method that secures resources by issuing resource requests to the network when

performing a transmission that requires certain resources (refer to Cited Literature 2, line 8 of upper right section of page 5 through line 4 of upper left section of page 6, etc.).

Achieving the invention related to Claim 18 by applying the technology described in Cited Literature 2 to the packet transfer device described in Cited Literature 1 is something that could easily be conceived by one skilled in the art.

At present, no reasons for rejection have been discovered for the inventions relating to claims other than those indicated in this Notification of Reasons for Rejection. If new reasons for rejection are discovered, notification will be made of the reasons for rejection.

**List of Cited Literature**

1. Japanese Unexamined Patent Application Publication 2000-253047
2. Japanese Unexamined Patent Application Publication H2-185134

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

June 10, 2005

By

Thomas A. Blumenthal

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5407  
Facsimile: (202) 672-5399

David A. Blumenthal  
Attorney for Applicant  
Registration No. 26,257

Thomas G. Bilodeau  
Attorney for Applicant  
Registration No. 43,438

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

12

## Complete if Known

Application Number	10/642,750
Filing Date	08/19/2003
First Named Inventor	Norihito FUJITA
Group Art Unit	2661
Examiner Name	Unassigned
Attorney Docket Number	040405-0364

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A1	6,434,153			Yazaki et al.	08-13-2002	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
A2	JP	2-185134			Nippon Telegraph & Telephone Corp	07-19-1990		
A3	JP	2000-253047			Hitachi Ltd.	09-14-2000		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.